

BOARD OF SELECTMEN

February 28, 2012

Minutes

The Board of Selectmen met on Tuesday, February 28, 2012 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Douglas A. G. Stevenson, Peter Scavongelli, John Gorecki, John D. Williams and Timothy F. Hult. Town Administrator Timothy D. Goddard was also present.

Mr. Stevenson said he wanted to thank everyone who worked on the Health Insurance re-negotiation. At this point, he said, we have a document signed by all of the pertinent parties. Mr. Stevenson said it was a credit to this Board, the Town Administrator, Larry Barton, the Collective Bargaining Units and the Town employees who worked together very well.

Mr. Stevenson said last night the Annual Town Caucus was held at Town Hall. He commented that it was very well attended and it ended with having one person nominated for all of the open positions.

Town Administrator Report

Mr. Goddard said Boy Scout Troop 135 has requested permission to use the Transfer Station on March 17th and March 24th for their annual fertilizer sale fundraiser. He said DPW Superintendent Gary Davis is aware of this request and has no objection. Mr. Gorecki recused himself from this discussion as he is involved with the Boy Scout Troop.

On a motion made by Mr. Scavongelli and seconded by Mr. Williams, it was **VOTED 4 YES 1 ABSTAINING** to grant permission to Troop 135 to conduct their annual fertilizer sale fundraiser at the Transfer station on the dates of March 17th and March 24th.

Mr. Goddard said Chief Flannery met with the Personnel Board last Thursday to present his requests regarding compensation for the FY13 budget. He said attached to this report the Board would find the Minutes from that meeting in order to highlight the following recommendations made by the Personnel Board. Mr. Goddard said the Personnel Board recommended the following: increasing the EMT stipend from \$1,647 to \$1,830 effective in FY13 and establishing maintenance wage rate at \$21.57 effective in FY13. The Personnel Board concurred with the Chief's request for a minimum level of administrative support to work up to a minimum of 10 hours per week. He said these were only recommendations. Mr. Goddard said the discussion over increasing the Fire Chief's salary has to be addressed at a very near future meeting as the Finance Committee is waiting to account for this in the budget.

Mr. Goddard said in regard to printing the Annual Town Report and the Town Meeting Warrant, we have selected Flagship Printing to produce these two documents. He said we solicited competitive quotes which ranged from \$2,615.00 to \$3,707.00 with Flagship being the lowest bidder. Mr. Hult asked if there was a legal requirement to have a printed copy of this document [Annual Town Report], or can we have one copy and then post it on the website. Mr. Goddard said there is a statutory requirement that the Selectmen make an annual report at Town Meeting. Mr. Hult did not believe it was necessary to expend this amount of money and suggested that perhaps next year we should consider a different process. Mr. Stevenson agreed with that suggestion.

On a motion made by Mr. Scavongelli and seconded by Mr. Gorecki, it was unanimously **VOTED** to award the contract for printing the Annual Town Report and Town Meeting Warrant to Flagship Printing in the amount of \$2,615.00.

Minutes

On a motion by Mr. Scavongelli and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of February 14, 2012.

Liaison Reports

Mr. Scavongelli said in regard to hiring an individual for the administrative position at the Fire Department or perhaps one person working for both the Fire Chief and Police Chief, he and Mr. Goddard discussed this issue and concluded that it would be better to keep the two positions separate. If they were combined, the total number of hours may increase to an amount that would then incur providing benefits, which would be an added cost.

Mr. Stevenson said at the Financial Management Team this morning, the Town Accountant reported that we were on track with local receipts. It was reported that there are in the range of fifty to sixty thousand dollars in projected departmental overages for FY12. He said presently we have \$150,000 in the Reserve Fund and there are at least some potential savings in some of the departments.

Appointments

On a motion made by Mr. Gorecki and seconded by Mr. Williams it was unanimously **VOTED** to appoint Lee Tatistcheff to the Conservation Commission for a term that will end on June 30, 2012.

Carlisle Public School Building Committee – Update

Lee Storrs, Robert Wiggins and OPM Sean Fennell were present for this discussion. Lee said they are currently working on another major milestone on the project, which is moving into the new building during April vacation. He said the contractors have six weeks to finish the building and get it ready for the students to move in. He said the final items the contractors are working on are: painting, tiling and the ceilings. Lee said the most significant changes after April vacation will be that the Kindergarten, 1st and 2nd Grades will be in the new Building and the Bus drop area will return to the Corey bus lot.

Lee said there is still a considerable amount of work that remains on the project even after they move into the new Building. He said there will be a punch list of incomplete work on the new building and Wilkins that will need to be done over the summer. In addition to that, Lee said there will be the remediation and demolition of the Spalding Building, and site work and landscaping.

Lee spoke about the status of the project. He said as of January 31, 2012, 357 out of the 573 calendar days have been expended on this project, which means they are about 62% into the project time-wise. In regard to construction in payment, Lee said they are about \$8,625,639 or 56% complete on the project.

Lee spoke about the contingency budget. He said to-date there have been eleven Change Orders which have totaled \$412,065.00. He said there is a potential of additional Change Orders totaling \$285,880. Lee provided a chart of the changes, which were listed by category.

Lee said he believed that they were in good shape regarding the budget however one of the things they really have to focus in on is the changes.

Mr. Hult asked if the Board of Selectmen could tour the building in April. Lee said they have arranged a tour for the teachers and he was sure they could arrange something for the Selectmen.

In response to Mr. Scavongelli, Lee said they believed they were doing 'ok' on the Change Orders, but there is a considerable amount of work to do on the project.

In response to Mr. Hult, Lee said the parking lot for the School Personnel would be ready for use by September. Mr. Stevenson asked if there is an alternative plan if the April move-in does not occur. Lee said the next plan would be to move-in in June. Sean Fennell said the utilities are done, the power is on; the work that is remaining is some remaining doors and work on the floors. He was not expecting a problem with the April move-in date.

Public Hearing re: Ferns Country Store – Application for Seven day beer/wine package

Mr. Stevenson opened the Public Hearing at 8:00 p.m.

Larry Bearfield and Robin Emerson, owners of Ferns Country Store were present to speak to the Board about their application for a 'seven day' beer/wine package store license. Presently, Ferns Country Store is in possession of a six day license. Larry said their new wine/beer department opened in 2009. He said at that time it was suggested that they not sell on Sunday, staying with the Massachusetts Blue Laws. He said one year ago Ferns was granted a B.Y.O.B. License which includes Sundays.

Larry said we have all witnessed the down-turn of the economy, and his business suffered greatly on Super Bowl Sunday when our residents were forced to shop in neighboring communities. Larry said tonight their request is to provide more convenience to our customers and the Carlisle residents and to help them boost their business. In response to Mr. Stevenson, Larry said the MGL's Ch. 65, Sec. 21 & 22 [state] dictate that sales in package stores cannot commence before 12 noon on Sunday. Therefore the hours on Sunday will be 12 pm to 9 pm.

In response to Mr. Williams, Larry Bearfield did not know if the Town of Acton sold beer and wine on Sunday, however it was clarified that yes, they did.

Mr. Stevenson asked if there have been any issues with parking. Larry said the parking lot in the back of the Store has been extremely helpful in eliminating parking issues.

On a motion made by Mr. Gorecki and seconded by Mr. Scavongelli, it was unanimously **VOTED** to close the Public Hearing for the purposes of hearing the application for a seven day beer and wine package store license for Ferns Country Store.

Mr. Gorecki said the Board has not heard any comments from the community on this issue.

In response to Mr. Williams, Mr. Goddard said that Rev. Miller called from the First Religious Society and left a message at the Board of Selectmen's office saying that the Parish Committee had met regarding this issue and they have no comment on this matter.

On a motion made by Mr. Scavongelli and seconded by Mr. Gorecki it was unanimously **VOTED** to approve the Carlisle Center Ventures application to change it's current (6) six day off premise liquor license to a (7) seven day license by including Sunday sales in accordance with the terms specified in the application presented in tonight's meeting and to forward same to the ABCC.

Discussion re: Highland Building CPA Application

Attorney Paul Alphen, Developer Grant Wilson, Rob West, Planning Board Chair David Freedman, and Planning Board member Nathan Brown were present for this discussion. Mr. Stevenson explained that this discussion was regarding a proposed warrant article which is related to the acceptance of Hanover and Johnson Roads. The developer has asked that a warrant article be placed on this Annual Town Meeting Warrant for acceptance of these two roads. Mr. Stevenson said there were documents in the Boards' packet, one was a memo from Town Counsel outlining the process for road acceptance; documents from the developers attorney explaining how he plans to move forward on this matter, and the Planning Board has supplied information regarding the acceptance and layouts of roads and a chart of historical data on roads accepted in Carlisle.

Attorney Paul Alphen said he represents Wilkins Hill Realty, Grant Wilson and Rob West. He said this discussion began in January when he sent a letter to Town Hall requesting that the Selectmen place an article on the Warrant for the acceptance of Hanover Road and Johnson Road, two roadways that were completed in the subdivision in 2010. He said that he understands that it is past practice to wait until all of the homes in a development are sold and occupied before the road is accepted as a town way. Attorney Alphen said this situation is a little different from past practice. First, he said the rules of the past have gone away; the economy has changed. He said things are not what they used to be. He said this developer finished the roads prior the houses being built. Secondly, he pointed out, there are people living in the subdivision and they are paying their tax bills, but not receiving Town services, such as mail delivery, school bus service and snow

plowing. Finally, he said the developer has granted an easement which allows public access to the area to everyone in Town.

Attorney Alphen said they have been working with the Planning Board to get a final punch list of items needed to be completed. He said if the Town is worried about accepting the streets and then having the streets damaged during the construction phase, the developer is willing to provide some security to the Town in case of damage to the streets.

In response to Mr. Williams, Grant Wilson said there are five houses that have been constructed and occupied. He added that three of these homes have school-aged children. He said there are another three or four houses that will be built this year.

Mr. Scavongelli said he thinks Attorney Alphen's four arguments as to why the Board should put this on the Warrant are : 1) The economic conditions are different now as opposed to the way they were before and that is why it is more difficult to sell the lots, and that is why the developer wants us to adopt the roads sooner in the process; 2) residents have asked to have the roads to be accepted; 3) the public benefits from the trails system; and, 4) you, the Developer, spoke of posting a bond to protect the Town financially in case there was damage to the streets.

Mr. Stevenson said according to the documents provided by our Town Counsel, Deutsch Williams, the first step in this process is the consideration by this Board of the lay-out of the road following with a notice to the Planning Board and a report back from the Planning Board and there are a number of documents that have to be in place. He said after that, this Board will hold a Public Hearing following a recommendation from the Planning Board and then the process goes to Town Meeting.

David Freedman, chairman of the Planning Board said the Planning Board has not yet been asked to release the security on the sub-division or to discuss its position on the acceptance of the private way. David said the Carlisle Board of Selectmen have not layed-out a way or put it out for recommendation and report from the Planning Board prior to release of security on the sub-division, and that is what Town Counsel has advised past Selectmen when this has come-up.

Grant Wilson said he has requested that the Planning Board's engineer go out to review the development about a year ago and again about two weeks ago. There has been no report to-date from the Planning Board. He said he looking for direction from the Selectmen because it seems that the Planning Board is saying they cannot release the 'bond' until the work is done and all the lots have been built.

Mr. Scavongelli asked David, relative to the developer's statement that he would post a bond to cover any damages to the roads as a result of future construction, if there was any downside to taking that approach? David said he could not speak for the Planning Board. He said the Town would be taking on responsibility for the roads, however if you do it the way it is traditionally done, you will not have to deal with future road issues in this development. Mr. Scavongelli said it sounds like the burden shifts from the developer to the Town.

Mr. Stevenson said if now is not the right time to do this; when will be the right time? David said the Planning Board has not addressed this issue yet. Mr. Stevenson said as Town leaders we should be promoting this process instead of looking for ways to slow it down. He added that we should have a sensible, rational process that gets the roadway accepted and in the end provides the residents in these developments the services they are essentially paying for.

Attorney Alphen said he thought he was cooperating with the Planning Board. He said that the Planning Board said that they had not been formally informed by the Board of Selectmen to comment on our request for street acceptance. He said they were asked to go through a process, and take one step at a time. Attorney Alphen said they have made this request to the Board of Selectmen in recent correspondence and now they are being asked to withdraw their request because the Planning Board has not heard from the Board of Selectmen.

Attorney Alphen said this particular project has been completed and we are waiting for the Planning Board's engineer to come out and report on same. He added that they are willing to work with the Town on this matter.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was **VOTED 3 YES/2 NO** to consider the lay-out of Hanover and Johnson Roads as Town ways and to defer the proposed lay-out to the Planning Board for a recommendation pursuant to G.L. c. 41, §81 I.

Co ordination Meeting (#2) with the Finance Committee

Jerry Lerman, chairman of the Finance Committee was present for the second Selectmen/FinCom coordination meeting prior to the Annual Town Meeting. Jerry presented a brief summary that showed the guideline budget and all the requests above the guideline budget. He said at this point the Finance Committee has met with all of the departments that had requests over the guideline. Jerry said the original guideline budget had \$423,000 in excess levy capacity. Jerry said the Finance Committee has not voted on the following but have taken them under consideration: \$148,000 for dump truck and pick-up truck and \$66,000 for septic system loans will be paid for out of free cash for a total of \$214,000 plus \$75,000 to stabilization fund.

Jerry spoke about the Concord-Carlisle Regional School District's request. He said there is some concern with the bus contracts issues and whether they will be out sourcing the School Buses. Jerry said other issues that are not resolved are the Councils on Aging salaries and the Fire Chief's salary. He said they are waiting for recommendations from the Personnel Board.

In regard to the Fire Chief's salary increase, Mr. Williams and Mr. Gorecki will meet with David Flannery to discuss his contract.

Jerry said in regard to the Council on Aging, the information they received was that the Director's position would change to a Grade 8 and would be going to a full-time position and the Transportation Coordinator's hours would increase to 25. Mr. Goddard said the Personnel Board would have to make a recommendation to the Director's grade change.

Jerry asked if the Board would let him know the results of their communication with the Fire Chief and the Council on Aging.

Review Draft of Annual Town Meeting Warrant

Mr. Goddard said Cami Lamica, Business Manager from the Minuteman Regional School is present to talk about the creation of a Stabilization Fund.

As the Board began reviewing the Warrant for the April 30, 2012 Town Meeting, Mr. Stevenson said Articles 2 through 9 makeup the Consent Agenda.

-Article 10 - the Fiscal year 2012 Budget Transfers

-Article 11 - the Operating Budget

-Article 12 - Capital Equipment

-Article 13 - the Minuteman Stabilization Fund - Ms Lamica, director of Business and Operations at the Minuteman Regional High School spoke to the Board. She said the purpose for this is article is to be able set aside funds for any emergency capital repairs and renovations. She said they need to set aside some funds in case their renovation project is not approved. She said if that happens they will need to continue to repair the building in some manner. Ms Lamica said as the building is aging things continue to break unexpectedly and they have unanticipated costs.

Ms Lamica said of the 16 Towns, a majority vote of all member Town Meetings must occur in order to authorize the establishment of the fund. She said in 2009 they presented an article, but some Towns approved it and some didn't, so at this time they have six Towns in place. Ms. Lamica said once the Stabilization Fund is approved, the only way money can be put into the fund is through their budget process.

-Article 14 – Procurement By-law amendment

-Article 15 – Transfer from Available funds re: Medicaid Expenses for Special Education Medicaid Expenses

-Article 16 – Bylaw Amendment re: Camp Fees - Jeff Brem, Chairman of the Board of Health was present and briefly explained the amendment. He said many Towns locally charge up to three hundred dollars for camp fees. We have two camps in Town and the Board of Health would like to increase the fee from ten dollars to fifty dollars.

- Article 17 - Board of Health's request for an appropriation to use as seed money to be applied toward grants and programs. At the request of the FinCom, Jeff said they will define the use of this money further.
- Article 18 – Professional Services – Council on Aging
- Article 19 – Community Septic Management Program - Jeff said they have a split Board on this issue. He said they have four questions, three to the state and one to Town Counsel. He said they may take the article off the warrant.
- Article 20 – FY 13 Stabilization Account Transfer
- Article 21 – FY 13 Free Cash Transfer to the Stabilization Fund [Wang Coombs]
- Article 22 - FY 13 Free Cash Transfer to support Operating Budget
- Article 23 - CPA Annual Authorization
- Article 24 - Elliott Preserve / Acquisition of Conservation Restriction

Highland Building CPA Application

Nathan Brown, vice chair of the Highland Building Stabilization Committee was present for this discussion. Mr. Stevenson said following the last presentation on the Highland Building, and the use for same, we received this application for design services. He said the Highland Building Committee would like the Selectmen to support this application. Mr. Williams said at the Community Preservation Committee meeting there was a question as to the scope of the CPC, that is, is this is an appropriate item for the CPC. He said it is very difficult to vote on \$77,000 when you do not exactly who the occupants are going to be in this building. Mr. Williams said they are going to meet tomorrow night; however the consensus has been there would be support for funds for design for any tenant/user short of the Board of Selectmen making the decision.

Mr. Stevenson said he appreciates all the time and work the Highland Building Committee has put forth, however after the presentation at the last meeting, it seemed that the uses suggested would not provide enough revenue to support the building.

Mr. Gorecki said he felt the Board was being rushed into making a decision.

Mr. Scavongelli said the application that is before the Board of Selectmen and the Community Preservation Committee is intended to transition the process from the stabilization of the building to the interior design. If the Board wants to slow down the process, then the building will remain vacant for another year.

Mr. Stevenson said he was not sure if the Board supported the uses that were presented.

Mr. Hult said the nature of those uses suggested is not going to rise to the level where the Town will support \$2million.

Mr. Williams said the Community Preservation Committee is basically saying that too.

Mr. Stevenson said over the next months we should discuss uses for the building.

The meeting adjourned at 10:40 p.m.

Respectfully submitted by Margaret Arena